

ILLINOIS POLLUTION CONTROL BOARD
August 3, 2023

PRAIRIE RIVERS NETWORK,)
)
 Complainant,)
)
 v.) PCB 19-93
) (Citizens Enforcement - Water)
 DYNEGY MIDWEST GENERATION, LLC,)
)
 Respondent.)

ORDER OF THE BOARD (by M. Gibson):

On April 1, 2019, Prairie Rivers Network (PRN) filed a five-count complaint alleging water violations by Dynegy Midwest Generation, LLC (Dynegy). The complaint concerns Dynegy’s Vermilion Power Station (Station), a retired coal-fired power plant located on the west bank of the Middle Fork of the Vermilion River (Middle Fork) approximately five miles north of Oakwood, Vermilion County. On May 1, 2019, Dynegy filed a motion to stay the complaint pending final resolution of a federal court action filed by PRN or, alternatively, Dynegy sought to dismiss counts 4 and 5 as duplicative and to dismiss count 4 as frivolous. On May 6, 2021, the Board denied Dynegy’s motions and accepted the complaint for hearing.

On July 21, 2023, PRN filed an unopposed motion to voluntarily dismiss the case with prejudice (Mot.). The motion states that a court approved and entered a Consent Order agreed to by the Attorney General, Dynegy, and PRN on June 9, 2023, which requires Dynegy to “close its coal ash ponds at Vermilion by removing the ash, to take measures to protect against continued releases of pollution into the Middle Fork, and to pay civil penalties.” Mot. at 2. PRN reports that Dynegy “does not oppose this motion.” *Id.* The Board grants PRN’s motion for voluntary dismissal, dismisses the matter with prejudice, and closes the docket.

IT IS SO ORDERED.

Board Member M.D. Mankowski abstained.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 3, 2023, by a vote of 3-0.



Don A. Brown, Clerk
Illinois Pollution Control Board